

Award No. 301  
Case No. 301  
System Docket No. MW-1068

SPECIAL BOARD OF ADJUSTMENT NO. 976  
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES  
VS.

CONSOLIDATED RAIL CORPORATION


STATEMENT OF CLAIM:


Appeal of 11 day suspension assessed  
L. H. Luderman, in connection with being  
charged with failure to perform duties of his  
I&R Inspector position when he failed to  
detect and report wide gauge during inspection  
tours resulting in a derailment of 3 cars.

Upon the whole record and all the evidence, after hearing,  
the Board finds that the parties herein are carrier and  
employee within the meaning of the Railway Labor Act, as  
amended, and this Board is duly constituted by agreement  
under Public Law 89-456 and has jurisdiction of the parties  
and subject matter.

AWARD: Claim disposed of as follows:

Considering all factors involved and noting that claimant has  
16 years of discipline free service, we conclude the amount of  
discipline to be excessive and deem that a reprimand would be  
more commensurate with this first offense.

  
C. A. Peacock, Neutral Member

  
F. J. Domzalski, Carrier Member

  
Jed Dodd, Organization Member

Issued this 9 day of November, 1990.